

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JULY 20, 2009

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

Sewer Project

Carol Nasuti of 5 Lincoln Drive thanked the Council for their vote at the July 13th meeting but she has additional concerns about the sewer project that include various costs, areas that do need sewers and the number of Equivalent Dwelling Units.

Street Lights

Doreen Gardner of 15 Rocky Hill Road had read about some street lights being turned off and she hoped they would be kept on at least for Halloween.

Construction Debris

Doreen Gardner also stated new neighbors moved into the area several months ago and there is still quite a bit of construction debris left. The matter should be addressed.

Rhode Island Flag

Mr. Lovett received a new flag from Senator Tassoni to replace the one presently flying at Town Hall.

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Finance Director Cheryl Ficarra

Mrs. Ficarra introduced herself as the new Finance Director.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc and Mr. Lovett. Mr. Zwolenski was absent due to illness. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

PRESENTATION OF CITATIONS

A citation was presented to Eagle Scout Chris Culbertson whose project was refurbishing a shed at the Slatersville Cemetery.

Another citation was done for Eagle Scout Jeffrey Deslandes although he was not able to attend the meeting.

APPROVAL OF MINUTES

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve the minutes of June 8, 15, 19 and 23, 2009.

PAYMENT OF BILLS

Monthly Bills

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted

unanimously on a roll call vote to approve payment of the following: General Fund 2009/2010 - \$122,015.08; Sewer 2009/2010 - \$507.32; Wire Transfer School Department 2009/2010 - \$683,830.00 and Wire Transfer Fire Department 2009/2010 - \$200,146.67; General Fund 2008/2009 - \$67,357.78; Sewer 2008/2009 - \$5,889.29 and Water 2008/2009 - \$29,272.81 for a total of \$1,109,018.95.

Gilbane Building Co.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve Requisition #20F in the amount of \$6,800.00 and Requisition #32 in the amount of \$3,181.28 for a total of \$9,981.37 based upon the recommendations of the School Building Committee and the Finance Director.

North Smithfield School Department

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to the North Smithfield School Department for charcoal filters in the amount of \$396.32 and for National Grid – electricity in the amount of \$11,950.80, which represents one-half the amount due, for a total of \$12,347.12 based upon the recommendations of the School Building Committee and the Finance Director.

Greenpages

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Requisition No.

8092291 in the amount of \$1,521.15 based upon the recommendations of the School Building Committee and the Finance Director.

MIDDLE SCHOOL CONSTRUCTION

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this item up on the agenda.

Upgrade of Water Supply System

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote to accept the proposal from Northeast Water Solutions, Inc. for an upgrade and corrosion control for the North Smithfield Middle School water supply in an amount not to exceed \$15,495.00 based upon the recommendation of the School Building Committee.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote to engage Gilbane Building Company to oversee the work done by Northeast Water Solutions, Inc. for a sum not to exceed \$2,000.00 based upon the recommendation of the School Building Committee.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to authorize Gilbane Building Company to sign the

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agreement with Northeast Water Solutions, Inc. for work to be done at the North Smithfield Middle School per the recommendation of the School Building Committee.

MOTION by Mr. Leclerc and seconded by Dr. Benoit to authorize the Town Administrator to sign Change Order #29 for roof repairs at the Middle School in the amount of \$658.00.

Since this item was not specifically on the agenda, the motion and second were withdrawn.

UNISON EASEMENT AND LEASE AGREEMENTS

Mr. Nadeau explained that Unison has the right under its contract to pay the town 72x the monthly amount of a new lease on the cell towers. By doing so Unison gets to collect and keep all of the monthly rents that are paid throughout the life of the contract. There was a contract entered into in January with Metro PCS and Unison neglected to exercise their option at that time. They came to the Town with a request that they be allowed to purchase the lease for a lower sum than the 72 months. The town's inaction apparently spurred them on and Unison has sent the town a check for \$151,200 for the 72 months and they have given up their request to buy the lease for \$139,000. No further action is needed on this.

1ST READING ORDINANCE AMENDMENT RE: MUNICIPAL WORK WEEK

Union members approved a proposal from Mrs. Hamilton to alter the work week by closing on Fridays and extending hours Monday through Thursday. Mrs. Hamilton felt this would save on electricity and propane costs.

Mr. Biron was concerned with offices being closed on Friday and did not think there would be significant savings on heat and electricity.

Dr. Benoit would rather have the offices open a full day on Fridays and reduce the Thursday hours. He asked if there were any projected numbers on savings.

Mrs. Hamilton felt it could be as significant as \$13,000 to \$14,000 by just closing on that one day.

Dr. Benoit added it would be unfair to homeowners who would be unable to record property sales on a Friday and thus be delayed in receiving their funds for three to four days.

Mr. Nadeau was not aware of the form of the union vote and did not know if the proposal was flexible enough to allow for a return to the current work week if the new work week was found to be unsuccessful or did not produce cost savings.

Mr. Leclerc read the proposed amendment which constituted the first reading. The second reading was scheduled for August 3, 2009.

LIZ DEVELOPMENT

Mr. Leclerc read from a letter submitted by Town Planner Robert Ericson stating that all documents have been reviewed and he has spoken with the LIZ Development principal. Field inspections have been done to document all costs to repair defects. Mr. Ericson has written a report for review by the Town Solicitor.

CHERRY BROOK

Mr. Ericson also wrote that next month he will be discussing options for abandoning paper streets that have potentially adverse stormwater impacts. He has a case returned from Superior Court regarding rights to develop the Annette Avenue paper street near Cherry Brook.

CONSERVATION COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to receive and place on file the minutes of May 12, 2009.

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PLANNING BOARD MINUTES/TRANSCRIPTS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to receive and place on file the minutes/transcripts of March 12 & 19, April 2, 9, 23 & 30, May 14 and June 4, 2009.

SEWER COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to receive and place on file the minutes of May 20, 2009.

BVL (BEER AND WINE) LIQUOR, VICTUALING, AND COIN-OPERATED MECHANICAL DEVICES LICENSES – WIDE WORLD OF INDOOR SPORTS CORP.

Because there were still so many outstanding documents needed, Mr. Nadeau recommended that the licenses not be granted at this time.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to table this matter to August 3, 2009.

OUTDOOR SOUND SYSTEM PERMIT – D. & L. BELCHER

MOTION by Mr. Biron and seconded by Mr. Leclerc to grant the outdoor sound system permit.

Although the Belchers were not present, Mr. Leclerc stated they were neighbors of his and he knew them personally.

Mr. Lovett would have liked to ask the Belchers a couple of questions regarding parking and notification to neighbors.

Dr. Benoit suggested tabling this to the August 3rd meeting in order to have the Belchers present and to enable the Council to review the noise ordinance.

Mr. Biron amended his MOTION to grant an outdoor sound permit to Dan and Lauren Belcher, residing at 809 Pound Hill Road, on August 15, 2009 from 5:00 P.M. to 10:00 P.M.

Roll call: Dr. Benoit – no; Mr. Biron – yes; Mr. Leclerc – yes; and Mr. Lovett – no. The motion failed.

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to reconsider the vote.

MOTION by Mr. Leclerc and seconded by Mr. Biron to approve an outdoor sound system permit to Dan and Lauren Belcher, residing at 809 Pound Hill Road, on August 15, 2009 from 5:00 P.M. to 10:00 P.M.

Roll call: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – yes; and Mr. Lovett – no. The motion carried 3 to 1.

Mr. Nadeau added that the Belchers are subject to the noise ordinance. He also suggested that the Administrator notify Chief

Reynolds to have the police do a couple of drive bys that evening and if there are any violations, they should be remedied.

LEGAL FEES REIMBURSEMENT FOR TOWN OFFICIALS AND BOARD MEMBERS

Mr. Nadeau prepared a memorandum outlining ideas for a Legal Fees Reimbursement Policy. It states that if a claim is made against any volunteer or paid employee of the town and that person is not covered by the Trust or cannot be defended by the Town Solicitor or whichever lawyer is hired by the Council to defend that claim, then there is a procedure by which a person can hire his/her own attorney and be reimbursed for legal work. It would have to be a claim that was brought as a result of actions done or not done in relation to town business and the Council would have to approve the selection of the attorney to the extent that the attorney would have to enter into an agreement that, at least as far as the reimbursement dollars are concerned, would be no more than the hourly rates and the reasonable costs that either the Town Solicitor or the outside counsel would charge for those same types of services. There are a number of exclusions to the policy.

MOTION by Dr. Benoit and seconded by Mr. Biron to approve the legal fees policy in an ordinance form.

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Following a recommendation from Mr. Nadeau, Dr. Benoit withdrew

his motion and Mr. Biron withdrew his second.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote to request the Town Solicitor create an ordinance form of the legal fees reimbursement policy with a first reading scheduled for August 17, 2009.

GLACIAL ENERGY

Dr. Benoit commented there had been a presentation several months ago and there was the possibility of switching to Glacial Energy for the town's energy supply. He hoped to reopen that discussion.

Mrs. Hamilton did speak with a Senior Vice President of Glacial Energy and was told the company currently has twelve percent of Rhode Island commercial businesses but no other municipalities. She was told there are no switching, maintenance or cancellation fees and no interruption but there is a \$37,000 administration fee. The rate is calculated on a daily basis. Mrs. Hamilton also spoke with Dan Beardsley of the Rhode Island League of Cities and Towns who did not recommend going with Glacial Energy because of the month-to-month calculations which could prohibit the town from locking into a lower long-term rate.

School Committeeman Paul Vadenais said the School Department has Constellation as its energy supplier because they could lock into a five-year rate that was lower than National Grid. There has been a

considerable savings.

Based upon Mr. Vadenais' comments, Dr. Benoit asked if the Town Administrator could speak with Constellation but to wait to make any changes until December if National Grid is going to be lowering its rates.

Mr. Biron was not in favor of locking into a five-year contract.

APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

There were no appointments.

APPOINTMENT TO ORDINANCE REVIEW COMMITTEE

There was no appointment.

CHARTER REVIEW COMMISSION

Dr. Benoit believes a number of things have changed and it would be an appropriate time to have a charter review.

Because of past experience with a Charter Review Commission, Mr. Leclerc felt if the Council moves forward with this, the charge to the commission should be strongly defined and they should be made aware it is strictly an advisory board.

Mr. Nadeau suggested that if a new commission is appointed, they should review the work of prior charter commissions. When asked,

Mr. Nadeau confirmed that the Council has the right to create a Charter Review Commission, to determine how many people should serve on it and how they will be selected. They would have no authority to mandate that their recommendations be placed on a ballot.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote that the Solicitor establish an ordinance proposing the revitalization of a Charter Review Commission for a first reading on August 17, 2009.

SCHOOL COMMITTEE MEMBER PARTICIPATION IN TOWN CONTRACT NEGOTIATIONS

There had been a request from School Committee Chairman Robert Lafleur to allow a School Committee member to sit in on municipal contract negotiations in order to provide some continuity since there is a Council member who sits in on school department negotiations.

Mr. Nadeau stated that police contract negotiations have already started, participants have been identified and ground rules have been established so it would be too late to add anyone there.

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Mrs. Hamilton added that there will be a preliminary meeting next

week for municipal employee negotiations.

Dr. Benoit was of the opinion that the School Committee could be apprised of pertinent information in executive session without having them as part of the discussions.

Mr. Lovett would support having a member sit in on the negotiations since there is a Council member sitting in on theirs.

Mr. Biron stated the Town Council is responsible for all the funding for the town and that is why there is a Council member sitting in.

Mr. Leclerc supports the idea in order to have a better understanding between the departments.

MOTION by Mr. Leclerc and seconded by Mr. Lovett to allow a School Committee member to participate in future town contract negotiations in the same capacity of participation that Mr. Zwolenski has with the School Committee, i.e. being able to discuss within a confined caucus, not having the ability to vote and not having the ability to comment with the unions during the negotiation process.

Mr. Leclerc amended his MOTION to note this is subject to union approval and excludes the current police department contract negotiations. Mr. Lovett amended his second.

Roll call: Dr. Benoit – yes; Mr. Biron – no; Mr. Leclerc – yes; Mr. Lovett – yes. The motion carried 3 to 1.

COMMUNICATIONS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to place on file the following: A.) Animal Control Monthly Report for June 2009, B.) NSF&RS Inc. Monthly Incident Report for June 2009 and C.) Resolution Opposing Health Insurance Rate Hikes Proposed by Blue Cross and United Health from the Town of Charlestown.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 9:20 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement vs. the Town of North Smithfield.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 9:29 P.M. and to seal the minutes. No motions were made and no votes were taken.

Narragansett Improvement vs. Town of North Smithfield

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to authorize Town Solicitor Richard

Nadeau to make an appearance on behalf of the Town of North Smithfield in the Narragansett Improvement case.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to adjourn at 9:29 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk